

From
Jeff C. Wins

**CHEL/EPA Region 6 Meeting
Proposed Agenda
May 10, 2012**

- I. Region 6's Environmental Concerns, if any, with CHELs Brine Manufacture and Use
- II. Consistency of CHEL's Brine Manufacture and Use with RCRA's Objectives
 - A. There is an established market for the brine.
 - B. CHEL has invested in equipment to manufacture it.
 - C. CHEL's brine is as good as or better than the products with which it competes.
- III. Consequences of Two Options
 - A. Agency Option
 - 1. Shut down operations
 - 2. Scrap equipment
 - 3. Deprive CHEL customers of a useful product and require them to find a substitute, perhaps derived from virgin materials
 - 4. Require useful raw materials be handled as hazardous waste and disposed of, consuming hazardous waste disposal capacity
 - 5. Raise liability issues
 - B. CHEL Option — 7 per letter
 - 1. Recommence manufacture of useful product
 - 2. Provide customers useful product
 - 3. Obviate need for customers to find substitute, perhaps derived from virgin materials
 - 4. Obviate needs to dispose of useful material and to consume hazardous waste disposal capacity
- IV. Validity of Legal Arguments
 - A. Sludges are used to produce products that are applied to land and that is their ordinary manner of use; they are not discarded and are not solid wastes, regardless of whether those materials are listed in 261.33.
 - B. CHEL's brine is not being applied to land or being disposed of.
 - C. CHEL's brine manufacturing does not involve an inherently waste like material or reclamation.
 - D. Regardless, the derived from rule does not apply; the incinerator's exhaust gases are not solid wastes.
- V. Reasons Why This Issue is of Concern Today

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